IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31691 of 2006(W)

PETITIONER:

NUJUMUDHEEN, S/O.JAMALUDEEN,
THEKKEDATHU, VADAKKATHIL,
KADAPPA MURI, MYNGAPPALLY VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI. K.SIJU
SRI.PRATHEESH.P

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOLLAM.

2. THE TAHSILDAR, KUNNATHUR TALUK,
KUNNATHUR.

BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 31691 OF 2006

Dated this the 29th day of November, 2006

JUDGMENT

Petitioner is challenging Ext.P2 order whereunder the District Collector has levied a fine of Rs. 15,000/- for release of vehicle used for unauthorised transport of sand. However, Collector has not fixed the value of sand and the royalty for the same. In similar cases I find Collector has released sand also on payment of Rs. 1000/- towards value of it. In the circumstances, Ext.P2 is modified directing release of the vehicle on petitioner remitting along with fine of Rs. 15,000/- for release of vehicle a sum of Rs. 1000/- towards value of sand. Since there is nothing to indicate that petitioner is regularly engaged in mining sand, there is no necessity for the petitioner to pay royalty. Vehicle with the load of sand will be released on payment of Rs. 16,000/-.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge